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ANDREW B. STROUD, an individual
and STROUD PRODUCTIONS AND
ENTERPRISES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN AMES BROWN,
Plaintiff,

vs.

ANDREW B. STROUD, an individual and
STROUD PRODUCTIONS AND
ENTERPRISES, INC.,
Defendants.

) Case No.: 08-CV-02348-VRW

)
) **DECLARATION OF ANDREW B.**
) **STROUD IN SUPPORT OF DEFENDANTS'**
) **MOTION TO DISMISS PURSUANT TO**
) **RULE 12(b)**

) Date: June 10, 2008
) Time: 2:30 p.m.
) Courtroom: 6

Honorable Vaughn R. Walker

I, ANDREW B. STROUD, declare as follows:

The following is true, based on my personal knowledge. If called upon to do so, I could and would competently testify thereto.

1. I am a resident of New York, New York. I was born in Virginia in 1925 and moved to New York State in 1926. I have lived here continuously since 1946.

2. I have never lived in California, owned real property in California or had a residence in California. I do not conduct business in California.

3. Co-defendant, Stroud Productions & Enterprises Inc. ("Stroud Productions") was a New York corporation. It was incorporated in 1963. I was the sole shareholder and at all times its operations and principle place of business were based in the State of New York. Stroud

1 Productions did not conduct business in California. Stroud Productions was dissolved in 1981.
2 After the dissolution, I personally succeeded to the rights held by Stroud Productions.

3 4. The Complaint, at paragraph 3, refers to two lawsuits in which plaintiff allegedly
4 represented Eunice K. Stroud (also known as Nina Simone) before this Court. Those lawsuits
5 allegedly took place in the 1990's. I was not given notice of those lawsuits at the time, I did not
6 participate in those lawsuits, as far as I know I was not a party to those lawsuits, and I was never
7 deposed in those lawsuits.

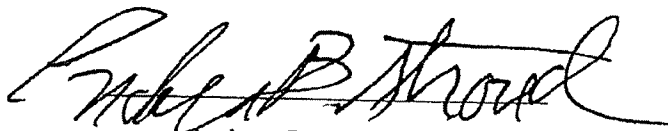
8 5. Plaintiff Mr. Steven Ames Brown is presently a defendant in an action I brought in
9 the Supreme Court of the State of New York, County of New York, #601798-2005. Mr. Brown
10 has answered and appeared in that lawsuit. In that lawsuit, I allege that Mr. Ames Brown has
11 interfered with my rights and specifically, with an agreement I had with Mr. Ames Brown's New
12 York based co-defendant. I also understand that the Court in that case has scheduled a case
13 management conference for June 10, 2008. An issue in that litigation has involved the very same
14 master recordings that are likely subject to the claim made in this case.

15 6. Plaintiff's Complaint alleges that plaintiff owns 40% of the subject master
16 recordings. I believe that the entity which also claims ownership of the recordings is the Estate of
17 Eunice K. Stroud.

18 7. I am 82 years old. I have had three major surgeries since 2004 (including open heart
19 surgery in 2006) and therefore my health requirements and health concerns have made it extremely
20 difficult for me to travel long distances (such as transcontinental flights) for the past couple of
21 years.

22 I declare under penalty of perjury under the laws of the States of California and New York
23 and of the United States, that the foregoing is true and correct.

24 Executed on June 5, 2008 at New York City, New York.

25
26 
27 Andrew B. Stroud
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